

# Egypt's Customary Reconciliation Sessions Hurt its Christian Minority

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## ABOUT THE AUTHORS

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Viola Fahmy is an Egyptian journalist specializing in human rights and religious freedoms.



## Brief Analysis

**M**arqos Ghabrial and his family gathered the what remained of their lives scattered around their old hometown in the Qena governorate of southern Egypt. The Ghabrial family was forced to leave in the middle of the night after news of Marqos' romantic relationship with a Muslim girl from the same village ignited furor.

Egypt's Christians, the largest religious minority in the Middle East, represent some 10 percent of the country's population, which exceeds 90 million. For the past few decades, Christians in Egypt have faced incidents of violence and assault targeting people, property, and churches for a variety of reasons. Some conflicts are doctrinal in nature—including their recent targeting by Islamist groups—while other disputes come from within the broader community, based around the construction or repair of churches, financial transactions, or romantic relationships between Christians and Muslims.

According to [international law \(http://rawabetcenter.com/archives/378\)](http://rawabetcenter.com/archives/378), forced displacement is “a practice implemented by governments, paramilitary forces, or extremist groups towards ethnic, religious, or ideological groups with the goal of evacuating certain territories and replacing certain segments of the population with others.” Although [Article 63 \(http://qadaya.net/?p=6589\)](http://qadaya.net/?p=6589) of Egypt's 2014 Constitution forbids all forms of arbitrary forced migration and considers it a crime without a statute of limitations, the reliance on customary reconciliation sessions to resolve sectarian incidents has led to the forced displacement of numerous Egyptian Christians in Upper Egypt. Neither the state nor civil society institutions have yet taken effective steps to achieve justice or repair the damage inflicted on the victims.

Customary reconciliation sessions are formed by official entities and operate under the supervision of local security services. These sessions include security leaders, other figures from the city/markaz, and both Christian and Muslim religious leaders. The parties to the dispute select a neutral location and their representatives for the sessions. Arbitrators of these sessions then evaluate the claims of each party and announce a ruling along with a verbatim report of the reconciliation which including the articles of the agreement and the decisions of the committee. This document is then signed by both parties. They are called “reconciliation” sessions due to their goal of customary reconciliation between two parties of a religious dispute. However, demographic and cultural factors in Egypt often cast a large shadow over these meetings, and the sessions are often characterized by an imbalance in power. This

imbalance negatively affects the fairness of their rulings, most of which are biased towards the more powerful and influential party.

To give a sense of scope, nearly 50 customary reconciliation sessions were organized between 2011 and 2014 to settle disputes between Christians and Muslims, as documented by the Egyptian Initiative for Personal Rights (EIPR) in their **2015 report ([https://eipr.org/sites/default/files/reports/pdf/imposing\\_biased\\_outcomes.pdf](https://eipr.org/sites/default/files/reports/pdf/imposing_biased_outcomes.pdf))**. However, these customary councils often exacerbated the crises they were designed to address and failed to provide reliable solutions for addressing the incidents of sectarian violence in Egypt.

Rather, the **EIPR report ([https://eipr.org/sites/default/files/reports/pdf/imposing\\_biased\\_outcomes.pdf](https://eipr.org/sites/default/files/reports/pdf/imposing_biased_outcomes.pdf))** demonstrates how customary reconciliation sessions became outlets to avoid enforcing legal protections. Most sessions ended in decisions to forcefully displace the Christian family, pay fines, or give up property. Some sessions also ruled to close churches or halt projects to build, renovate, or expand churches on the pretext of “security concerns.”

Undermining such reconciliation sessions is the lack of both a consistent structure and widely-recognized rules to govern them. Indeed, sessions differ for each incident in terms of their application, thus lacking an established structure, which would potentially increase effectiveness and legitimacy.

This is due to the fact that customary sessions exclude the state in favor of the clan. Whether failing to represent Christians during reconciliation sessions as an entity or by encouraging the attendance of representatives from other governorates to give a false impression of effective representation, customary sessions are generally controlled by the most powerful and influential entities which hold authority over customary ruling. This imbalance of power negatively affects the fairness of their rulings, most of which have become strongly biased in favor of the stronger parties.

However, citizens continue to resort to such sessions to settle disputes because they fear local fallout and consequences, especially in light of continuing sectarian and religious tensions across the country.

The Egyptian media’s ignorance of customary sessions and rulings for cases of sectarian violence has worsened the crisis. Their failure to address the issues posed by customary sessions can be attributed to the Egyptian political regime’s fear that sectarian violence may arouse public opinion and foment further strife, particularly in the context of political and security turmoil since the 2011 Revolution.

The Egyptian government has strengthened its grip on the media since the overthrow of Muslim Brotherhood rule in June 2013, evident through changes in ownership patterns for many media outlets and occasional meetings between political leaders and media representatives to ensure prudent handling of the challenges facing the country. Audio, visual, and print media have consequently grown accustomed to reporting incidents of religious violence without touching on buildup to the incident and by relying on traditional language referencing “the cohesion of the fabric of one nation in the face of extremism.” The procedures of customary reconciliation sessions, and the rulings towards the victims in particular, are therefore often underreported, leaving Egyptians relatively unaware of the potential negative impact of these customary sessions.

Still, adherence to customary sessions, which violate the constitution and the civil state, actually exacerbate sectarian incidents rather than contribute to solving them. This is best evidenced by the continuation of incidents of sectarian violence. These sessions are a distorted alternative to the official Egyptian justice system and the true guarantees it provides in terms of deterrence, equality, and citizenship.

Customary justice is now competing with the official judiciary, fostering the imposition of tribal and clan-based policies for faith-based disputes. Thus, the principles set out in the 2014 Constitution calling for fast official judicial decisions in cases of religious violence must be rigorously applied with the goal of achieving quick justice. By

emphasizing the laws of a civil state and criminalizing customary reconciliation sessions, Egypt will be closer to a legislative structure that prevents bias and discrimination on a religious or sectarian basis. ❖

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## RECOMMENDED

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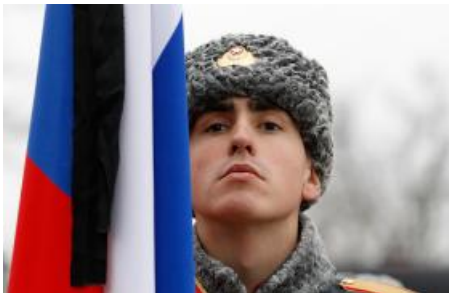
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